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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/025,302	12/18/2001	Xiaofan Wang	2705-147	3337
20575	7590	12/01/2005		
MARGER JOHNSON & MCCOLLOM, P.C. 210 SW MORRISON STREET, SUITE 400 PORTLAND, OR 97204			EXAMINER BILGRAMI, ASGHAR H	
			ART UNIT	PAPER NUMBER
			2143	
DATE MAILED: 12/01/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/025,302

Applicant(s)

WANG, XIAOFAN

Examiner

Asghar Bilgrami

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 02 September 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Title Objection***

In light of the amended title by the applicant, the examiner has withdrawn the title objection.

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-26 are rejected under 35 U.S.C. 102(e) as being anticipated by I'Anson et al (U.S. 6,760,046).

3. As per claims 1, 7, 15, 17, 23, 24, 25 & 26 I'Anson disclosed a method of operating a client that retrieves resources using HTTP commands, the method comprising: accessing a public-switched-telephone-network line; dialing, on the accessed line, a public-switched-telephone-network access number for a point-to-point HTTP server; indicating that the client requests termination of the line as an HTTP connection to the point-to-point HTTP server; and interacting with the point-to-point HTTP server over the accessed line using HTTP protocol requests and responses without the necessity of an intervening packet-routing network (col.8, lines 63-67 & col.9, lines 1-27).

4. As per claim 2 I'Anson disclosed the method of claim 1, further comprising the client examining a uniform resource locator for a requested resource, and distinguishing from the

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contents of the uniform resource locator whether the requested resource is reachable via a point-to-point HTTP server (col.8, lines 63-67, col.9, lines 1-27 & col.12, lines 46-65).

5. As per claim 3 I' Anson disclosed the method of claim 2, wherein a uniform resource locator's contents indicate a point-to-point-HTTP-reachable resource by the presence of a point-to-point-HTTP-unique identifier in the service name field (col.8, lines 63-67, col.9, lines 1-27 & col.12, lines 46-65).

6. As per claim 4 I' Anson disclosed the method of claim 2, wherein a uniform resource locator's contents indicate a point-to-point-HTTP-reachable resource by the presence of a telephone number in the domain name field (col.12, lines 66-67& col.13, lines 1-9).

7. As per claim 5 I' Anson disclosed the method of claim 1, wherein indicating that the client requests termination of the line as an HTTP connection is accomplished over the PSTN and comprises transmitting at least one tone indicative of a point-to-point HTTP session, on the accessed (col.8, lines 63-67, col.9, lines 1-27 & col.12, lines 46-65).

8. As per claim 6 I' Anson disclosed the method of claim 1, wherein indicating that the client requests termination of the line as an HTTP connection is accomplished over the PSTN and comprises requesting a TCP connection to a TCP port on the HTTP server designated for point-to-point HTTP service (col.8, lines 63-67, col.9, lines 1-27 & col.12, lines 46-65).

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9. As per claim 8 I'Anson disclosed the method of claim 7, further comprising detecting that an incoming call is of a point-to-point call type by detecting a signal comprising at least one tone on the public-switched-telephone-network line, the signal indicative of a point-to-point HTTP call type (col.8, lines 63-67, col.9, lines 1-27 & col.12, lines 46-65).

10. As per claim 9 I'Anson disclosed the method of claim 7, further comprising detecting that an incoming call is of a point-to-point call type by designating a TCP port on the HTTP server for point-to-point HTTP service, and associating an incoming call requesting a connection to that TCP port as a request for point-to-point HTTP service (col.7, lines 15-35, col.8, lines 63-67, col.9, lines 1-27 & col.12, lines 46-65).

11. As per claim 10 I'Anson disclosed the method of claim 7, further comprising requesting authentication of the client as an authorized user (col.10, lines 3-31).

12. As per claim 11 I'Anson disclosed the method of claim 7, further comprising parsing a resource path present in an HTTP request received from the client, determining whether the resource path is for a resource available at the server (col.4, lines 50-67), and when the resource path is for a resource not available at the server, determining whether the server can obtain the resource from a remote host (col.8, lines 63-67, col.9, lines 1-53 & col.12, lines 46-65).

13. As per claim 12 I'Anson disclosed the method of claim 11, where determining whether the server can obtain the resource from a remote host comprises parsing a host identifier from the resource path (col.8, lines 63-67, col.9, lines 1-53 & col.12, lines 46-65).

14. As per claim 13 I'Anson disclosed the method of claim 12, further comprising comparing the host identifier to identifiers contained in an information base available to the server (col.8, lines 63-67, col.9, lines 1-53 & col.12, lines 46-65).

15. As per claim 14 I'Anson disclosed the method of claim 11, wherein when the server determines that the resource is available from the remote host, the method further comprises requesting the resource from the remote host, receiving the resource from the remote host, and forwarding the resource to the client (col.8, lines 63-67, col.9, lines 1-53 & col.12, lines 46-65).

16. As per claim 16 I'Anson disclosed the HTTP server of claim 15, further comprising means for serving HTTP requests from the HTTP client for resources that do not reside on the server (col.8, lines 63-67, col.9, lines 1-53 & col.12, lines 46-65).

17. As per claim 18 I'Anson disclosed the HTTP server of claim 17, wherein the modem resource is capable of establishing multiple link layer connections to different clients, and wherein the point-to-point HTTP service is capable of serving concurrent HTTP requests from multiple clients via the modem resource (col.8, lines 51-67, col.9, lines 1-53 & col.12, lines 46-65).

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18. As per claim 19 I' Anson disclosed the HTTP server of claim 18, further comprising a TCP driver, wherein each client connects to the HTTP server by requesting a connection to a TCP port designated for the HTTP service, and the HTTP service identifies different clients by TCP socket (col.7, lines 15-35, col.8, lines 63-67, col.9, lines 1-27 & col.12, lines 46-65).

19. As per claim 20 I' Anson disclosed the HTTP server of claim 17, further comprising a default resource to be returned to the client when the client submits an empty resource request (col.7, lines 15-35, col.8, lines 63-67, col.9, lines 1-27 & col.12, lines 46-65).

20. As per claim 21 I' Anson disclosed the HTTP server of claim 17, further comprising an HTTP remote retrieval service capable of serving resources to a client, where those resources are not physically located on the server but are hosted on a separate host connected to the HTTP server by a data network (col.7, lines 15-35, col.8, lines 63-67, col.9, lines 1-27 & col.12, lines 46-65).

21. As per claim 22 I' Anson disclosed the HTTP server of claim 17, wherein the modem resource comprises a data network tunnel to a remote network access device (col.7, lines 15-35, col.8, lines 63-67, col.9, lines 1-27 & col.12, lines 46-65).

***Oath/Declaration***

22. The applicant made a declaration that Xiaofan Wang is the inventor of the patent application (10/025,302) that is being examined. The applicant is attempting to show conception of the invention prior to May-22-2001 (the Earliest Effective Date of the I'Anson reference) coupled with diligence from just prior to the reference date until filing of this application on December-18-2001.

**I. Conception**

23. *The affidavit or declaration and exhibits must clearly explain which facts or data applicant is relying on to show completion of his or her invention prior to the particular date. Vague and general statements in broad terms about what the exhibits describe along with a general assertion that the exhibits describe a reduction to practice "amounts essentially to mere pleading, unsupported by proof or a showing of facts" and, thus, does not satisfy the requirements of 37 CFR 1.131(b). In re Borkowski, 505 F.2d 713, 184 USPQ 29 (CCPA 1974). Applicant must give a clear explanation of the exhibits pointing out exactly what facts are established and relied on by applicant. 505 F.2d at 718-19, 184 USPQ at 33. See also In re Harry, 333 F.2d 920, 142 USPQ 164 (CCPA 1964) (Affidavit "asserts that facts exist but does not tell what they are or when they occurred." ). See MPEP 715.07 General Requirements*

24. In paragraph 3 in order to establish conception the applicant states that the attached internal Cisco document (Exhibit A) provides the evidence for the date of conception of the present invention prior to the date of the I'Anson reference.



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The description provided by the applicants in summary section of Exhibit A is a vague and general statement that describes the invention in broad terms. This is not a clear explanation. Thus applicant has not met his burden of clearly showing how the submitted evidence supports conception of the invention.

25. The examiner has reviewed the submitted evidence in its entirety and does not find that it would support conception even with a proper affidavit. For example, it is not obvious to Examiner where the claimed “interacting with the point-to-point HTTP server over the accessed line using HTTP protocol requests and responses without the necessity of an intervening packet-routing network, wherein interacting with the point-to-point HTTP server does not require connecting to an internet Service provider” is supported by the exhibits. As such it appears that Applicant has not shown a conception of invention. This is a single example and is not meant to be comprehensive and exhaustive. Applicant has the burden of establishing conception.

## **II. Diligence**

26. Where conception prior to the reference date has not been clearly established diligence need not be considered [See MPEP 715.07(a).] However, in the interest of expediting prosecution the Examiner will provide further guidance regarding the deficiencies in the attempted showing of diligence.

27. The critical period for which diligence must be shown is from just before March-22-2001 (the effective date of I’Anson et al.) until December 18, 2001 the effective filing date of the instant application. It appears that the evidence submitted is insufficient to establish diligence

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from a date prior to the date of reduction to practice of the reference to a constructive reduction to practice of the instant invention. The entire period during which diligence is required must be accounted for by either affirmative acts or acceptable excuses. [See MPEP 2138.06].

28. Where conception occurs prior to the date of the reference, but reduction to practice is afterward, it is not enough merely to allege that applicant or patent owner had been diligent. Ex parte Hunter, 1889 C.D. 218, 49 O.G. 733 (Comm'r Pat. 1889). Rather, applicant must show evidence of facts establishing diligence. (MPEP 715.07(a))

29. As proof of diligence, Applicant in paragraph 4 alleges that he was diligent. As stated above the mere allegation is not sufficient to establish diligence.

### ***Response to Arguments***

30. Applicant's arguments filed September 2-2005 have been fully considered but they are not persuasive.

31. Applicant argued "I'Anson fails to teach at least the element of interacting with the point to point server wherein interacting does not require connecting to an Internet service provider (ISP)".

32. As to applicants arguments I'Anson disclosed that the mobile entity (client) can have direct access (without the use of ISP) to the public internet through a data-capable bearer service

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available in the form of Circuit Switched Data service which is used to carry data and the MSC 32 routes circuit to an InterWorking function IWF 34 the precise of which depends on what is connected to the other side of the IWF. Thus, IWF could be configured to provide direct access to the Internet 39 (that is, provide functionality similar to an IAP- Internet Access provider [also known as Internet Service Provider (ISP)]).

33. The applicant argued “In contrast to I’Anson, claim 1 does not require connecting to an ISP when interacting with the point-to-point HTTP server.

34. As to applicants argument please see the Examiner’s response on line 32.

35. The applicant argued, “Regarding claim 5, I’Anson does not teach the element of transmitting at least one tone indicative of a point-to-point HTTP session.

36. As to applicants arguments I’Anson disclosed that, alternatively, the IWF could simply be a modem connecting to a PSTN; in this case the Internet access can be achieved by connection across the PSTN to a standard IAP.

### *Conclusion*

37. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO**

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MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Asghar Bilgrami whose telephone number is 571-272-3907. The examiner can normally be reached on M-F, 8:00-5:00PM.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley can be reached on 571-272-3923. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



AB

Asghar Bilgrami  
Examiner  
Art Unit 2143



DAVID WILEY  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100